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DATE: February 28, 2008

TO: ISSUE FEE

COMPANY: U.S. PATENT AND TRADEMARK OFFICE

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FROM: Linda Gould (Cantor Colburn LLP)

OUR REF: GEN-0342 (126800) **YOUR REF:** USSN 10/065,461

TOTAL NUMBER OF PAGES SENT 5
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COMMENTS: TO WHOM IT MAY CONCERN:

Please find enclosed the Base Issue Fee and Publication Fee Transmittal Form for U.S. Serial No. 10/065,461. Also, find enclosed a "FEE ADDRESS" INDICATION FORM (1 Page) – and "COMMENTS ON STATEMENTS OF REASONS FOR ALLOWANCE."

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O I P E
FEB 28 2008
PATENT & TRADEMARK OFFICE
Appn. No. 10/065,461
Docket No. 126800/GEN-0342

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.: 10/065,461 : Confirmation No.: 4029
Applicant: Thomas Ferry : Group Art Unit: 2616
Filed: October 21, 2002 : Examiner: Duong, Frank
Docket No.: 126800/GEN-0342 :

For: METHOD AND APPARATUS FOR AUTOMATIC TRANSFER SWITCH

February 27, 2008

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

Provided herewith are comments on the Examiner's Statement of Reasons for Allowance relating to the Notice of Allowance dated December 4, 2007.

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope, or Express Mail No. _____, addressed to: Mail Stop _____, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to 611-273-2885 at the United States Patent and Trademark Office, on the date shown below.

Linda Boyd
Name

Signature

Date

Appn. No. 10/065,461
Docket No. I26800/GEN-0342

In Paper No. 20070514, on page 8, the Examiner remarks that Claims 15-17 are allowed for reasons relating to the first four method limitations recited in Claim 15.

While Applicant agrees that presented claims pertain to allowable subject matter, Applicant respectfully submits that to the extent that the Examiner's remarks imply, suggest or state that certain limitations or combinations not found in the prior art of record relied upon are or may be present in each and every allowable claim, whether or not specific language to that effect is found in every allowable claim, the record as a whole must be considered in addition to the Examiner's remarks, and, to the extent that the record as a whole is clear and complete, it shall control the interpretation of any and all allowable claims.

More specifically, the Examiner's statement of reasons may imply that features found in the specification only, in the dependent claims only, or in some but not all independent claims only, are part of all of the allowable claims, when in fact the record clearly reflects that there are claims not so limited. For example, allowed independent Claim 21 is directed to an apparatus having structural limitations suitable for carrying out the method of Claim 15, but does not recite the actual method steps of Claim 15. Accordingly, Claim 21 and claims dependent from Claim 21 that do not recite the same as Claim 15, are not so limited.

Respectfully submitted,

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